

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEMETRICE DAVIS,

Plaintiff,

Case No. 04-CV-73793

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION
and
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND REMANDING CASE TO THE COMMISSIONER**

This is a social security case. Plaintiff Demetrice Davis (Davis) appeals from the final determination of the Commissioner of Social Security (Commissioner) that she is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Davis and the Commissioner filed cross motions for summary judgment. The magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be denied and that Davis' motion be granted in part and denied in part and the case be remanded to the Commissioner for further proceedings under 42 U.S.C. § 405(g) sentence four.

Neither party has filed objections to the MJRR. Accordingly, the findings and conclusions of the magistrate judge are adopted as the findings and conclusions of the

Court. The Commissioner's motion for summary judgment is DENIED. Davis' motion for summary judgment is GRANTED IN PART AND DENIED IN PART and this matter is REMANDED to the Commissioner for further proceedings as set forth in the MJRR.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 22, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 22, 2005, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
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